

Serial No. 09/598,538

**REMARKS**

Claims 1-25 are presently pending in the application. Claims 1, 9, and 14 are in independent form. New claims 23-25 have been introduced by this response.

Claims 1-7 and 9-17 were rejected under §103(a) as being unpatentable over Mathis in view of Marinelli. Claim 19 was rejected under §103(a) as being unpatentable over Mathis and Marinelli as applied to claim 14 in further view of Ingels. Claim 8 was rejected under §103(a) as being unpatentable over Mathis and Marinelli as applied to claim 1 further in view of Hummelsheim. Each of the independent claims require that a location of the vehicle relative to a road map or network be defined as a first location and a change in the location of the vehicle relative to the road network be defined as a second location. The Examiner argues that these limitations are provided Mathis. However, each of the independent claims also requires that the location of the vehicle be communicated to a remote location based upon the change in location. Claim 14 additionally requires that the first and second locations be communicated at different first and second frequencies. The Examiner relies upon Marinelli to provide these missing limitations not found in Mathis.

Mathis is directed to determining whether GPS data is reliable. The objects position is updated if the data was reliable and the position may then be matched to a map. There is no mention or need for a remote location in Mathis. That is, there is no benefit to transmit to location of the vehicle to the remote location of Marinelli once the change in location in Mathis has occurred because Mathis is only concerned with accuracy of GPS data. Accordingly, Mathis and Marinelli may not properly be combined.

The combination is improper relative to claim 14 for an additional reason. Marinelli provides a system for continuously establishing a location of the moving object to a remote location. The transmission frequency is particular for each object or vehicle and once set is not changed. As stated in column 3, line 66-column 4, line 3, "the length of the periodic transmissions and the time between transmissions may be varied, but, once set, remain the same for all of the transmissions." That is, for a particular vehicle, the transmission frequency is not changed. Therefore, Marinelli cannot provide the missing limitation of Mathis to meet the limitations of claim 14. Again, the references must provide the limitation that the location of the vehicle is communicated to the remote location based upon the change in location of that vehicle. Moreover, Marinelli teaches away from the claimed combination because it utilizes a preset transmission interval for each vehicle that is not changed once it has been set. Mathis and Marinelli independently or together do not provide the limitations of claim 14.

Claims 23-25 have been added to define the frequency as a data transmission interval,

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which is consistent with the description of the term frequency within the specification.

Please charge \$54.00 to Deposit Account No. 50-1482 in the name of Carlson, Gaskey & Olds for 3 claims in excess of 20.

For the reasons set forth above, Applicant submits that the pending claims in the application are allowable. Applicant respectfully solicits allowance of these claims.

Respectfully submitted,

**CARLSON, GASKEY & OLDS**



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